

AMENDED IN SENATE SEPTEMBER 10, 1997

AMENDED IN SENATE SEPTEMBER 4, 1997

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN ASSEMBLY MAY 5, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1559

**Introduced by Assembly Members Cardoza, House,
Machado, and Thomson**

(Coauthors: Senators Costa, McPherson, and Monteith)

March 10, 1997

An act to amend ~~Sections 12846 and 17065 of~~ *Section 17065 of, and to add Section 12846.5 to,* the Food and Agricultural Code, and to amend Section 110050 of, and to amend and repeal Section 110485 of, the Health and Safety Code, relating to food and agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, as amended, Cardoza. Food and agriculture.

(1) Existing law provides for the seizure and disposition of estrayed stock and domestic animals. Existing law requires the Secretary of Food and Agriculture to cause a notice of the taking up of the animal to remain posted for a period of 14 days on a bulletin board in each office of the Bureau of Livestock Identification.

This bill would additionally permit the secretary to distribute the notice to the county department of agriculture and all sales yards in the state.

(2) Existing law requires every person to register with the State Department of Health Services upon first engaging in the manufacture, packing, or holding of processed food in this state. Existing law also requires each of these registrants to pay a surcharge of \$100 to the Department of Pesticide Regulation, which funds are deposited in the Food Safety Account in the Department of Pesticide Regulation Fund.

This bill would rename that surcharge the “food safety fee” and would require that fee to be paid to the State Department of Health Services. The bill would require the deposit of those funds in the Food Safety Fund in the State Treasury. The bill would specify that the funds shall be used by the state department, upon appropriation, to assist in developing and implementing education and training programs related to food safety. These provisions governing the food safety fee would be repealed on January 1, 2001.

(3) Existing law creates the Department of Pesticide Regulation Fund.

This bill would require the Director of Pesticide Regulation to transfer a portion of that fund into the Food Safety Account, to be used for the pesticide residue monitoring program and for testing produce for pesticide residues.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12846 of the Food and~~
2 ~~Agricultural Code is amended to read:~~
3 ~~12846. The Food Safety Account is hereby created in~~
4 ~~the Department of Food and Agriculture Fund to be~~
5 ~~used, upon appropriation, for purposes of Sections 12535,~~
6 ~~12536, 12797, 12798, 12979, 13134, and 13135 of this code~~
7 ~~and Section 110495 of the Health and Safety Code.~~
8 *SECTION 1. Section 12846.5 is added to the Food and*
9 *Agricultural Code, to read:*

1 12846.5. Sufficient moneys from the Department of
2 Pesticide Regulation Fund, as determined by the
3 Director of Pesticide Regulation, shall be transferred to
4 the Food Safety Account for the purposes of ~~this section~~
5 Section 12846, except that no fees or assessments
6 deposited into the fund shall be transferred to the account
7 and used for nonregulatory purposes.

8 SEC. 1.5. Section 17065 of the Food and Agricultural
9 Code is amended to read:

10 17065. (a) If the owner is not found, and the
11 estimated value of the animal exceeds two hundred
12 twenty-five dollars (\$225), the secretary shall cause a
13 notice of the taking up of, and intent to sell the animal to
14 be prepared. The notice may be distributed to the county
15 department of agriculture and to all sales yards in the
16 state. The secretary may limit distribution of the notice,
17 however, to those sales yards that deal in the same type
18 of animal as the animal that is taken up.

19 (b) The notice shall be posted for a period of 14 days
20 on a bulletin board in each office of the Bureau of
21 Livestock Identification.

22 (c) In addition to posting and distributing the notice,
23 the secretary shall periodically publish a list of the animals
24 for which notice was given pursuant to this section,
25 including the brands and descriptions of the branded
26 animals and descriptions of the unbranded animals in the
27 classified section of a livestock industry publication that
28 is in general circulation throughout the State of
29 California.

30 SEC. 2. Section 110050 of the Health and Safety Code
31 is amended to read:

32 110050. The Food Safety Fund is hereby created as a
33 special fund in the State Treasury. All moneys collected
34 by the department under Sections 110470 and 110485 and
35 under Article 7 (commencing with Section 110810) of
36 Chapter 5 shall be deposited in the fund, for use by the
37 department, upon appropriation by the Legislature, for
38 the purposes of providing funds necessary to carry out
39 and implement the inspection provisions of this part
40 relating to food, the provisions relating to education and

1 training in the prevention of microbial contamination
2 pursuant to Section 110485, and the registration
3 provisions of Article 7 (commencing with Section 110810)
4 of Chapter 5.

5 SEC. 3. Section 110485 of the Health and Safety Code
6 is amended to read:

7 110485. (a) Every person who is engaged in the
8 manufacture, packing, or holding of processed food in this
9 state shall pay a food safety fee of one hundred dollars
10 (\$100) to the department in addition to any fees paid
11 pursuant to Section 110470.

12 (b) Revenue received pursuant to this section shall be
13 deposited in the Food Safety Fund created pursuant to
14 Section 110050. A penalty of 10 percent per month shall
15 be added to any food safety fee not paid when due.

16 (c) Upon appropriation, the food safety fees deposited
17 in the Food Safety Fund shall be used by the department
18 to assist in developing and implementing education and
19 training programs related to food safety. These programs
20 shall be developed in consultation with representatives of
21 the food processing industry. Implementation shall
22 include education and training in the prevention of
23 microbial contamination.

24 (d) This section does not apply to companies
25 exclusively involved in flour milling, dried bean
26 processing, or in the drying or milling of rice, or to those
27 individual registrants the director determines should not
28 be assessed because substantial economic hardship would
29 result to those registrants. For the purposes of this
30 subdivision, the substantial hardship exemption shall be
31 extended only to registrants whose wholesale gross
32 annual income from the registered business is twenty
33 thousand dollars (\$20,000) or less.

34 (e) This section shall remain in effect only until
35 January 1, 2001, and as of that date is repealed, unless a
36 later enacted statute, that is enacted before January 1,
37 2001, deletes or extends that date.

38 SEC. 4. The Legislature finds and declares that it is in
39 the public interest for the state government to take an
40 active and cooperative role in maintaining the safety and

1 wholesomeness of processed agricultural products grown
2 within the state. It is the intent of the Legislature to direct
3 the State Department of Health Services to expand
4 development of microbial-based education and training
5 programs related to food safety and to assist processors
6 and other food handlers establish effective food safety
7 practices. In this effort, the State Department of Health
8 Services shall work in cooperation with the Department
9 of Food and Agriculture to share information relating to
10 food safety. All segments of agriculture will benefit from
11 a greater awareness and understanding of the
12 importance of food safety practices that prevent
13 microbial contamination. In addition, the
14 microbial-based education and training programs will
15 benefit California consumers by educating and assisting
16 the food industry in using the best available food safety
17 technologies.

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